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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,014	09/05/2003	Dave Timmermann	Haworth C-339	1743
30720	7590	11/14/2006	EXAMINER	
FLYNN, THIEL, BOUTELL & TANIS, P.C. 2026 RAMBLING ROAD KALAMAZOO, MI 49008-1631			YIP, WINNIE S	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,014

Applicant(s)

TIMMERMANN ET AL.

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to applicant's amendment filed on August 11, 2006.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The indicated allowability of claims 7-14 and 16-19 are withdrawn in view of the newly discovered reference(s) to Noel et al. (US 2003/0111941) and Debus et al. '900. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

1. Claims 7, 13, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regard to claims 7, 13, and 16, the language "upright fixed to an inside surface" (claim 7, line 24; claim 16,) and "each said sidewall structure including the exterior sidewall and the upright fixed thereto being an integral, monolithic, one-piece structure formed from a single flat metal sheet" (claim 7, lines 41-43; claim 13, line 3; claim 16, lines 32-34) is confusing whether applicant claims the sidewall and the uprights being an integral, or monolithic, or a one-piece structure? Notice, if the uprights "fixed" to the sidewall, then they are an integral structure but not a "one-piece" structure. The term "integral" is inconsistent with the terms "monolithic" and "one-piece". Therefore, clarification is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 and 15, as better understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Noel et al. (US Patent Application Publication No. 2003/0111941).

Noel et al. shows and teach an upright multiple-drawer storage cabinet (15), comprising: an upright hollow housing (11) having a U-shaped upright wall arrangement including right and left upright side walls (21, 24) spaced by a top wall (18), a bottom base, and an upright rear wall, the housing defining an interior chamber and a front side of the housing defining an access opening for accessing the interior chamber, each of side wall having front and rear vertically elongate and parallel uprights (69, 75; 72, 78) fixed to an inside surface of each sidewall, each upright (69, 75; 72, 78) being a channel-shaped upright member with a plurality of vertically-spaced openings (i.e., 81, see Fig. 6) formed thereon, a plurality of horizontally movable drawer units (not show) positioned within the interior chamber, a plurality of rail structures (42, 45, 48) each having front and rear flanges (96, 93) engaging the openings respectively associated with the front and rear uprights, the rail structures being engaged horizontally spaced apart along the front the rear uprights, a horizontal elongate slide unit slidably mounted to one of the respective rail structure, a plurality of drawer units each having a pair of the horizontally elongated slide units fixed on opposite sides of the drawer unit to provide the drawer units being moved along the pair of rail structures and placed parallel spaced apart within the interior chamber, and each

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of the sidewall and the rear wall structures which includes an exterior sidewall and the uprights being a monolithic and a one-piece a single unit formed from a flat metal sheet by roll-formed process, the front and rear side of the sidewalls having bend portions (69 or 72) to define the front and rear uprights, and the bottom base fixed to and closing off a lower end of the upright wall arrangement, and the base defining a horizontally extending footprint (30, 27, 351, 348) see Figs. 13-15) of the housing for supportive engagement with a floor.

Regard to claims 2-6, Noel et al. shows the right and left sidewall structure being substantially identical and disposed in a mirror image of one another, wherein the front and rear uprights (69, 75) each having a bend portion to form a generally channel-shaped member extending vertically along the edge of the exterior side wall so a leg of the respective front and rear channel-shaped member defines a front and rear surface of the respective sidewall.

Regard to claims 15, Noel et al. teaches the cabinet comprising the top wall and bottom base each extending to and closing off the respective upper end lower end of the upright wall arrangement, and the lower end defining a horizontally extending footprint for supportive engagement with a floor.

4. Claim 15, as better understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Hassel (US Patent No. 3,572,874).

Hassel shows and teach an upright multiple-drawer storage cabinet comprising: an upright hollow housing having a U-shaped upright wall arrangement including right and left upright side wall structures (3) being jointed by an upright rear wall to define a interior chamber, a top wall (1) extending and covering the upper ends of the upright side wall arrangement for

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closing off the upper end of the housing, a horizontal large base (see Fig. 1) fixed to and closing off a lower end of the upright side wall arrangement, the base defining a horizontally extending footprint of the housing for supportive engagement with a floor, wherein each sidewall structure has a substantially planar upright exterior sidewall and has front and rear edges being folded to form front and rear vertically elongate and parallel uprights (8, 8) at the inside surface of each sidewall so that the front and rear uprights on one of the sidewall structure are disposed in opposed and facing relationship to the respective front and rear uprights of the opposite sidewall structure, the front and rear upright are generally channel-shaped members extending vertically along the front and rear edges of the exterior sidewall, the channel-shaped uprights include a plurality of openings (9,10), a plurality of rail structures (13) include front and rear flanges (15, 15) to engage one of the openings for supporting a plurality of horizontally movable drawer units inside of the chamber, wherein each sidewall structure is substantially identical and mirror imaged each and other, and the sidewall structure includes the exterior sidewall and the respective uprights being formed by a monolithic and one-piece flat metal sheet.

5. Claims 1-19, as better understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Debus et al. (US Patent No.4,899,900).

Debus et al. shows and teach an upright framework support for a multiple-drawer storage cabinet, comprising: an upright hollow housing having an upright wall arrangement including right and left upright side wall structures (11 and 13) being jointed by an upright rear wall to define a interior chamber (see Abstract, line 5), a top wall (12) extending and covering the upper ends of the upright side wall arrangement for closing off the upper end of the housing, a

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horizontal large base (10) fixed to and closing off a lower end of the upright side wall arrangement, the top wall (12) and the base (10) being a closed but rigid hollow box structure having generally horizontal top and bottom walls, and the base having front and rear bottom channels (14, 18) providing a horizontal extending footprint of the housing for supporting engagement with a floor (see Fig. 5), each sidewall structure (i.e., 11) having a substantially planar upright exterior sidewall and having front and rear edges being folded to form front and rear vertically elongate and parallel uprights (15, 19) at the inside surface of each sidewall so that the front and rear uprights (15, 19) on one of the sidewall structure are disposed in opposed and facing relationship to the respective front and rear uprights of the opposite sidewall structure, the front and rear uprights being generally channel-shaped members extending vertically along the front and rear edges of the exterior sidewall, the channel-shaped uprights including a plurality of openings (27) for supporting a plurality of rail structures disposed horizontally thereon for supporting drawer units movably disposed therein the chamber of the cabinet, each sidewall structure being substantially identical and mirror imaged each and other, and the sidewall structure which includes the exterior sidewall and the respective uprights is formed by a monolithic and one-piece flat metal sheet, and the lower corners of the sidewall structure provide with L-shaped flanges which overlies the corners of the hollow boxes of the top wall and the base to effect reinforcement of the corners.

Claim Rejections - 35 USC § 103

6. Claims 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noel et al. '941 or Debus et al. '900.

Noel et al. and Debus et al. are considered to teach a cabinet comprising structural limitations as claimed invention as explained and applied above rejection. Although Noel et al. or Debus et al. does not disclosure all method steps of forming the cabinet as claimed, the subject matter present is regarded as a product by process claim in which a product is introduced by the method in which it is made. It would have been obvious to one ordinary skill in the art to product the cabinet of Noel et al. or Debus et al. having alternative steps such including forming the openings along the uprights by punching or stamping the flat metal sheet prior to forming the channel-shaped upright as claimed to achieve a same final product. It is the general practice of this office to examine the final product described regardless of the method provided by the applicant. If the product in a product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.

Response to Arguments

7. Applicant's arguments with respect to claims 1-6, 15, 20-25 have been considered but are moot in view of the new ground(s) of rejection.

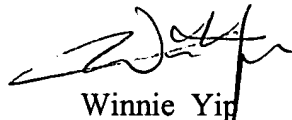
Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Winnie Yip
Primary Examiner
Art Unit 3636

wsy
November 9, 2006